

**BOARD OF PERSONNEL APPEALS
MINUTES – NOVEMBER 19, 2015 MEETING**

PRESENT:

Anne MacIntyre, Presiding Officer
Jim Soumas, Alternate Board Member
Quint Nyman, Board Member

Amy Verlanic, Board Member
Rina Moore, Board Member

STAFF ATTENDING:

Tim Little, Board Attorney
John Andrew
Bill Smith

Pam McDaniel
Max Hallfrisch
David Scrimm

BOARD BUSINESS

APPROVAL OF MINUTES (.15:1.03):

Member Nyman made a motion for the approval of the minutes for August 20, 2015. Member Moore seconded the motion. Motion passed 4-0.

NEXT MEETING DATE (1.03:1.27):

The next scheduled meeting is December 17, 2015 pending appeals, currently there is nothing on the agenda.

PUBLIC COMMENT (2-3-103 MCA) (1.27:16.11):

Karl Englund discussed the NLRB adoption of new rules for representation cases to avoid delays between the filing of representation and when the employees get to vote. It is a whole new set of procedures and he has asked the Board to review the criteria and possibly to see if Adam Morrison from the NLRB could come visit with the Board in regards to the new criteria. He would even help with what needs to be done. David Scrimm was invited by Anne MacIntyre since he is the Bureau Chief for Office of Administrative Hearings for the discussion. Eight days may be a challenge to hold a hearing but it's a possibility that other staff could assist. Member Nyman suggested to do a work session with NLRB to discuss possible solutions to avoiding delays. May also need to look at amending rules as well.

STAFF/ATTORNEY COMMENTS – (16.11:16.13.):

Board Attorney Tim Little had no comments.

UNFAIR LABOR PRACTICE 3-2014: Little Rocky Mountain Classified Employees, MEA-MFT vs. Board of Trustees of Hays-Lodge Pole School

Anne MacIntyre was the Presiding Officer in this matter. Kris Goss represented Board of Trustees of Hays-Lodge Pole School. Karl Englund represented the Little Rocky Mountain Classified Employees, MEA-MFT.

The matter before the Board was to determine if the Hearing Officer, Terry Spear erred in his Findings of Fact; Conclusions of Law and Recommended Order. Arguments were heard, questions were asked by Board Members.

Member Nyman made a motion to accept the appellant's conclusion starting at page 13 and ending on page 18 of Appellant's Opening Brief date stamped September 17, 2015. Member Moore seconded the motion. After discussion on the motion, it was determined that two Members had not thoroughly reviewed the file. The motion was withdrawn.

Presiding Officer MacIntyre made a motion to postpone taking action until all can review the file and work with Board Counsel to draft an order in a short matter of time. Member Nyman seconded the motion. Motion passed 5-0.

UNFAIR LABOR PRACTICE 10-2014: Glendive Education Association, MEA-MFT, NEA/AFT vs. Superintendent Ross Farber, and Glendive Public Schools

Anne MacIntyre was the Presiding Officer in this matter. Jeff Weldon represented Superintendent Ross Farber and the Glendive Public Schools. Vicki McDonald represented the Glendive Education Association, MEA-MFT.

The matter before the Board was to determine if the Hearing Officer, Terry Spear erred in his Findings of Fact; Conclusions of Law and Recommended Order. Arguments were heard, questions were asked by Board Members.

Member Nyman made a motion to accept the Hearings Officer's Findings of Fact; Conclusions of Law and Recommended Order in the matter of Unfair Labor Practice Glendive Education Association, MEA-MFT vs Superintendent Ross Farber and Glendive Public Schools. Presiding Officer MacIntyre seconded the motion. Motion passed 5-0.

Meeting adjourned